

PART 157—DOD INVESTIGATIVE AND ADJUDICATIVE GUIDANCE FOR ISSUING THE COMMON ACCESS CARD (CAC)

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157.1 Purpose.

157.2 Applicability.

157.3 Definitions.

157.4 Policy.

157.5 Responsibilities.

157.6 Procedures.

AUTHORITY: HSPD-12, E.O. 13467, E.O. 13488, FIPS 201-2, and OPM Memorandum.

SOURCE: 79 FR 55624, Sept. 17, 2014, unless otherwise noted.

§ 157.1 Purpose.

This part establishes policy, assigns responsibilities, and prescribes procedures for investigating and adjudicating eligibility to hold a Common Access Card (CAC). The CAC is the DoD personal identity verification (PIV) credential.

§ 157.2 Applicability.

This part applies to:

(a) the Office of the Secretary of Defense, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereinafter referred to collectively as the “DoD Components”).

(b) The Commissioned Corps of the U.S. Public Health Service (USPHS), under agreement with the Department of Health and Human Services, and the National Oceanic and Atmospheric Administration (NOAA), under agreement with the Department of Commerce.

§ 157.3 Definitions.

These terms and their definitions are for the purpose of this part.

Actionable information. Information that potentially justifies an unfavorable credentialing determination.

CAC. The DoD Federal PIV card.

Contractor. Defined in Executive Order 13467, “Reforming Processes Related to Sustainability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information”.

Contractor employee fitness. Defined in E.O. 13467.

Debarment. A prohibition from taking a competitive service examination or from being hired (or retained in) a covered position for a specific time period..

Drugs. Mood and behavior-altering substances, including drugs, materials, and other chemical compounds identified and listed in 21 U.S.C. 801-830 (also known as “The Controlled Substances Act of 1970, as amended”) (e.g., marijuana or cannabis, depressants, narcotics, stimulants, hallucinogens), and inhalants and other similar substances.

Drug abuse. The illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

Employee. Defined in E.O. 12968, “Access to Classified Information”.

Fitness. Defined in E.O. 13488, “Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust”.

Fitness determination. Defined in E.O. 13488.

Logical and physical access. Defined in E.O. 13467.

Material. Defined in 5 CFR part 731.

Reasonable basis. A reasonable basis to believe occurs when a disinterested observer, with knowledge of the same facts and circumstances, would reasonably reach the same conclusion.

Terrorism. Defined in 19 U.S.C. 2331.

Unacceptable risk. A threat to the life, safety, or health of employees, contractors, vendors, or visitors; to the U.S. Government physical assets or information systems; to personal property; to records, including classified, privileged, proprietary, financial, and medical records; or to the privacy rights established by The Privacy Act of 1974, as amended, or other law that is deemed unacceptable when making risk management determinations.

U.S. National. Defined in U.S. OPM Memorandum, “Final Credentialing